

September 11, 1969

Hon. Paul N. McCloskey
House of Representatives
Washington, D. C.

Dear Pete:

I did want to put in writing my concern about two issues that will probably be before the House during this session: one, the Class Action Jurisdiction Act of 1969, which was introduced by Bob Eckhardt as H.R. 11656. You mentioned that you had considerable experience of your own in litigating actions of this kind and this can only provoke the suggestion that you might be able to give it some very well informed attention. Apart from the inherent merits of this approach, I have the hope and expectation that it may fill an important gap in public redress on environmental issues. A recent law graduate, Mr. John E. Bryson, who is now a clerk for Judge Stanley Weigal in the U.S. District Court, pointed out that such a class action was pursued by the "Scenic Hudson Preservation Conference". If it could be a matter of particular interest to you I can either dig up more material on this or ask Mr. Bryson to get in touch with you. I also enclose a memo from Professor Jack Friedenthal of our law school commenting on the purposes of the bill in question.

Two, the fair credit reporting act, with which I believe you are already quite familiar. The Senate version of this is S. 823, and I believe it has also been introduced in the House. The problem of unfair and unguarded manipulation of course extends much more widely than this, but it seems to me that this particular legislation is a very sound first step in learning how to manage the problem.

In this general connection, I am also very much concerned about the enormous potential for abuse that exists in the records held by the Selective Service System, as well as by the armed services. The Garrison example was only one illustration of what may come to be a much more pervasive threat hanging over the heads of any citizen who may have had occasion for psychiatric consultation or similar medical advice, either during military service or as a basis for draft deferment. I am aware that the agency regulations are intended to protect the privacy of such records, but I believe this does not go far enough, and that the Congress ought to undertake specific legal sanctions to be sure

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that any abuses are aggressively prosecuted. In view of the rather precarious administration of selective service records in general, there is a rather special threat that confidential information on registrants can become available to employers and others in the local community who in a different capacity have legitimate needs for such personal information. I would suggest that it is not enough that the agency regulations forbid the disclosure of these data, for the regulations can be changed at any time by executive action, and furthermore there is no way to assure that they will be uniformly and fairly implemented.

The federal privacy act that Representative Ed Koch has introduced (H. 1303) probably stands very little chance of being passed because it would put roughly the same limitations on federal government intelligence on personal data as does the fair credit reporting act on the credit bureaus. However, I hope you can lend your support towards at least ventilating the issues raised by this bill to determine the extent to which the federal government can and should maintain the kind of information that this bill seeks to regulate. I know how vehemently you have expressed yourself on questions of personal privacy as related to the census, which historically has been quite free from any actual abuse of personal information, and I hope you can apply the same logic to situations where this is a very much more realistic hazard.

I will be in touch with you further about other issues raised during our meeting last week, which I did enjoy very much.

Sincerely yours,

Joshua Lederberg
Professor of Genetics